

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KENNETH R. REID, et al.,	:	Civil No. 1:16-cv-1403
	:	
Plaintiff,	:	
	:	
v.	:	
	:	Judge Sylvia H. Rambo
WARDEN J. EBBERT, et al.,	:	
	:	Magistrate Judge Saporito
Defendant.	:	

MEMORANDUM

Before the court is a report and recommendation (Doc. 45) in which the magistrate judge recommends that one of the defendants in this matter, Eric Houston, be dismissed for failure to pay the full filing fee. An objection has been filed to the report and recommendation, but not by Houston. (Doc. 52.) The government has filed a response to the objection. (Doc. 55.)

I. Background

Eric Houston was previously denied leave to proceed *in forma pauperis* in the captioned action because he is subject to the “three strikes rule” set forth in 28 U.S.C. § 1915(g). He had previously brought three or more federal actions or appeals that were dismissed as frivolous, as malicious, or for failure state a claim. The magistrate judge found that Houston failed to allege sufficient specific and credible facts to establish the exception to the three strike rule, *i.e.*, that he was under imminent danger of serious physical injury. He was ordered to pay the full

filing fee within 30 days (Doc. 28). Having failed to do so, the magistrate judge recommends dismissal without prejudice.

II. Discussion

The objection to the report and recommendation (Doc. 52) is not filed by Houston, but by Kenneth Reid, another plaintiff in the case. As the government points out, a prisoner cannot assert claims for the deprivation of the rights of other inmates. *Weaver v. Wilcox*, 650 F.2d 22, 27 (3d Cir. 1981); *see also Stukes v. Knowles*, 229 F. App'x 151, 152 n.1 (3d Cir. 2007).

For the above reasons, the report and recommendation will be adopted.

s/Sylvia H. Rambo

SYLVIA H. RAMBO

United States District Judge

Dated: February 16, 2017